

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

USDC NO: 2004-10451-RWZ

JOSEPH PETER SCHMITT

vs

JEFFREY SMITH, et. al.

OPPOSITION TO DEFENDANT'S
MOTION TO ENLARGE TIME FOR RESPONSIVE PLEADING

Now comes the plaintiff in the above entitled matter and hereby opposes the defendant's Motion to Enlarge Time for Responsive Pleading(s). As grounds therefore, the defendants say that counsel requires additional time to investigate the allegations and is involved with "pressing" matters including custody issues. The allegations raised in the defendant's motion, without more, fail to establish the necessity of depriving the plaintiff of his substantive due process and civil rights which directly impacts his liberty interests in the matter of the civil petition for his potential lifetime commitment. Further, the plaintiff says that this matter has been presented to counsel for

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the defendants in the Suffolk County Superior Court in case number SUCV2002-02562 and through several months of correspondence in futile attempts to resolve the matter.

WHEREFORE, the plaintiff moves this Honorable Court to DENY the defendant's Motion to Enlarge.

Respectfully Submitted,

Date: November 15, 2004


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I hereby certify that a true copy of the foregoing document was served on counsel for the defendants by first class, postage pre-paid U.S. Mail.

